UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
2008 AUG 15 AM 9:59
CLERK US DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA
BY KNH DEPUTY

UNITED STATES OF AMERICA,	Magistrate Docket No.
Plaintiff,	'08 MJ 2527
v.	COMPLAINT FOR VIOLATION OF:
Pedro Heriberto ESPINO-Valdez,	Title 8, U.S.C., Section 1326 Deported Alien Found in the United States
Defendant	

The undersigned complainant, being duly sworn, states:

On or about **August 13, 2008** within the Southern District of California, defendant, **Pedro Heriberto ESPINO-Valdez,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **15th** **DAY** OF **AUGUST, 2008**

Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE

DOA 8/13/08 KNH

TKM

CONTINUATION OF COMPLAINT:
Pedro Heriberto ESPINO-Valdez

PROBABLE CAUSE STATEMENT

On August 13, 2008 Border Patrol Agent D. Vargas was assigned to linewatch duties in the Imperial Beach Border Patrol Station area of operations. At approximately 9:30 P.M., Agent Vargas observed six subjects running north from the United States/Mexico Border towards an area commonly referred to as "Old Hollister Bridge." This area is approximately four miles west of the San Ysidro, California, Port of Entry, and is approximately five hundred yards north of the United States/Mexico International Boundary.

Agent Vargas positioned himself in the area and waited for the group to approach his position. After a brief wait, Agent Vargas observed the six individuals walking north towards his position. Agent Vargas identified himself as a United States Border Patrol Agent. One of the subjects, who was in front of the other individuals, immediately ran westbound into the bushes. Agent Vargas gave chase and able to apprehend him. Agent Vargas again identified himself as a United States Border Patrol Agent, and conducted an immigration inspection. All the subjects including one later identified as the defendant **Pedro Heriberto ESPINO-Valdez,** admitted to being a citizens and nationals of Mexico without any immigration documents that would allow him to legally enter or remain in the United States. At approximately 9:45 PM all six subjects were arrested and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed an immigration history. The defendant's record was determined by a comparison of his immigration record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **June 27, 2008** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was read his Miranda rights, which he acknowledged and was willing to make a statement without an attorney present. The defendant stated that he was a citizen and national of Mexico without valid immigration documents to enter or remain within the United States legally.